

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 28, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CARL ALONZO BROOKS,

Plaintiff,

v.

MELISSA ANDREWJESKI,

Defendant.

No. 4:23-CV-05127-SAB

**ORDER DIRECTING ENTRY OF
JUDGMENT OF DISMISSAL
AND CLOSING FILE**

The deadline for Plaintiff to file an amended complaint was March 21, 2024. ECF No. 10. This deadline has passed and Plaintiff has not filed an amended pleading. Plaintiff was cautioned that failure to do so will result in the dismissal of this action. ECF No. 10 at 5.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Complaint and the claims therein are **DISMISSED with prejudice** due to Plaintiff's failure to state a claim.

2. The Court rejects Defendant's request in the proposed order, ECF No. 4-1, to issue a "strike" under the Prison Litigation Reform Act as this case was originally filed in state court and removed by Defendant. *See Harris v. Mangum*, 863 F.3d 1133, 1141 (9th Cir. 2017) ("dismissal of an action removed from state court by a party other than a prisoner cannot constitute a strike under § 1915(g) against that prisoner.").

ORDER - 1

1 **IT IS SO ORDERED.** The Clerk of Court is hereby directed to file this
2 Order, **enter JUDGMENT** of dismissal with prejudice in favor of Defendant,
3 provide copies to Plaintiff and counsel, and **CLOSE THE FILE.**

4 **DATED** this 28th day of March 2024.



10 *Stanley A. Bastian*

11 Stanley A. Bastian
12 Chief United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28